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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Applicant: ANTHONY R. ROTHSCHILD
Serial No.: 09/755,541
Filed: JANUARY 5, 2001
Title: SYSTEM AND METHOD FOR ADDING
AN ADVERTISEMENT TO A
PERSONAL COMMUNICATION

DECLARATION OF SAMIR ARMALY

I, Samir Armaly, declare and state:

1. I previously worked as an attorney at O'Melveny & Myers LLP ("O'Melveny"), where I represented numerous clients, including Anthony Rothschild. I make this Declaration pursuant to 37 C.F.R. § 1.131, and to the best of my recollection after reviewing materials provided to me (*e.g.*, time entries) by Mr. Rothschild's current attorneys from the relevant time period. I currently do not represent Mr. Rothschild, nor do I have any ownership interest in his pending patent application (*i.e.*, System and Method for Adding an Advertisement to a Personal Communication).

2. Prior to August 6, 1999, Mr. Rothschild hired O'Melveny to prepare and file a provisional patent application on his invention (*i.e.*, system and method for adding an advertisement to a personal communication). I spoke to Mr. Rothschild via telephone on or about July 14, 1999. During that telephone call, we discussed his invention and the preparation of a provisional

1 patent application directed to his invention.

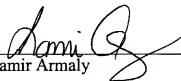
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3 3. On August 6, 1999, I had a large backlog of matters from other
4 clients that I had to work on before I could start working on Mr. Rothschild's
5 provisional patent application. For example, during the months of August,
6 September and October, 1999, I worked on several litigation-related matters
7 and I prepared and/or filed at least eight patent applications. Because
8 communications concerning these matters are subject to the attorney-client
9 privilege and/or the work product doctrine, they are not attached to this
10 declaration.

11
12 4. On or about Friday, November 5, 1999, I started working on Mr.
13 Rothschild's provisional patent application. I continued working on the
14 application during the following week, and sent a first draft of the application to
15 Mr. Rothschild on or about November 10, 1999.

16
17 5. During the next two months, I had several communications (*e.g.*,
18 telephone calls, etc.) with Mr. Rothschild concerning his application, and I
19 made several revisions to his application. For example, I had a communication
20 with Mr. Rothschild concerning the application on or about November 12,
21 1999. Pursuant to that communication, I revised the application on or about
22 November 16 and 23, 1999. I also had communications with Mr. Rothschild
23 concerning the revised application on or about December 2 and 9, 1999.
24 Pursuant to those communications, I further revised the application on or about
25 January 4, 2000. I filed the provisional patent application with the United
26 States Patent and Trademark Office on January 6, 2000. Because these
27 communications and revisions are subject to the attorney-client privilege and/or
28 the work product doctrine, they are not attached to this declaration.

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2 6. From August 6, 1999 to January 6, 2000 (*i.e.*, the critical period), I
3 was reasonably diligent in preparing/filing Mr. Rothschild's provisional patent
4 application, and in constructively reducing his invention (*i.e.*, system and
5 method for adding an advertisement to a personal communication) to practice.
6

7 I declare under penalty of perjury under the laws of the United States that
8 the foregoing is true and correct. Executed this 14th date of April 2008, at Los
9 Angeles, California.

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12 Samir Armaly
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